MONTANA LEGISLATIVE HISTORY

Chapter 264 1977

Bill H 28 S _____ Original bill & history ____C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Jan 11	✓C	Hearing Date(s) Feb 24	✓C
Jan 12	✓C	Mar 9	✓C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out _____	____C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE BILL NO. 28

INTRODUCED BY BENGTSON, ROTH

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 4-6-104, R.C.M. 1947, is amended to read as follows:

"4-6-104. Age limit for sale of alcoholic beverages. Except in the case of an alcoholic beverage given to a person under the age of ~~eighteen (18)~~ 19 years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply an alcoholic beverage to any person under the age of ~~eighteen (18)~~ 19 years, or permit any person under that age to consume an alcoholic beverage."

Section 2. Section 94-5-609, R.C.M. 1947, is amended to read as follows:

"94-5-609. Unlawful transactions with children. (1) A person commits the offense of unlawful transactions with children if he knowingly:

(a) sells or gives explosives to a child under the age of majority except as authorized under appropriate city ordinances; ~~or~~

(b) sells or gives intoxicating substances other than alcoholic beverages to a child under the age of majority; ~~or~~

(c) sells or gives alcoholic beverages to a person under 19 years of age; or

~~(c)~~(d) being a junk dealer, pawnbroker, or ~~second-hand~~ secondhand dealer he receives or purchases goods from a child under the age of majority without authorization of the parent or guardian.

(2) A person convicted of the offense of unlawful transactions with children shall be fined not to exceed ~~five hundred dollars ($500)~~ or be imprisoned in the county jail for any term not to exceed ~~six (6)~~ months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined not to exceed ~~one thousand dollars ($1,000)~~ or be imprisoned in the county jail for any term not to exceed ~~six (6)~~ months, or both."

Section 3. Section 94-5-610, R.C.M. 1947, is amended to read as follows:

"94-5-610. Unlawful possession of intoxicating substance by children. (1) A person ~~who has not reached~~

under the age of ~~majority~~ 18 years commits the offense of possession of intoxicating substance if he knowingly has in his possession an intoxicating substance~~, except a~~ other than an alcoholic beverage. A person ~~who has not reached~~ under the age of ~~majority~~ 19 commits the offense of possession of an intoxicating substance if he knowingly has in his possession an alcoholic beverage, except that he does not commit the offense ~~of possession of an intoxicating substance~~ when in the course of his employment, he bags, carries, or transports beer for customers at a grocery store.

(2) A person convicted of the offense of possessing an intoxicating substance shall be fined not to exceed ~~fifty dollars ($50)~~ or be imprisoned in the county jail for any term not to exceed ~~ten (10)~~ days, or both."

Section 4. Effective date. Sections 1, 2, and 3 of this act, if approved by the electors of the state of Montana, are effective January 1, 1979.

Section 5. Submission to electors. The question of whether this act will become effective shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title, sections 1 through 4 of this act, and the following:

☐ FOR raising the legal drinking age to 19.

☐ AGAINST raising the legal drinking age to 19.

-End-

JUDICIARY COMMITTEE

January 11, 1977

The regularly scheduled meeting of the House Judiciary Committee convened at 8:00 A. M. with all members present. Chairman John Scully presided.

Bills scheduled for hearing were House Bills #28, 29, 39, 53 22 and House Joint Resolution #5.

REPRESENTATIVE BENGSTON, District #59, SPONSOR of House Bills #28 and 29. Basically these bills will change the statutes to raise the drinking age from 18 to 19. These two bills are not meant to be an emotional issue. We want to approach the situation rationally and objectively. These problems are in our homes and in society in general. It is my hope that both sides can be aired today. Representative Bengston explained the bills, their ramifications and the penalties, the effective date, and that the matter would be submitted to the electors, at the general election to be held November 7, 1978.

REPRESENTATIVE ROTH, District #10 is the co-sponsor of these bills. She said the most forceful reasoning is to keep it out of the high schools, which now creates great difficulty. It drifts down into the junior high. The habitual use of alcohol at age 18 years is adversely affecting the lives of many young people. School administrators have asked us to address this problem.

PROPONENT, MAURICE HICKEY, spoke next. He is the executive secretary of the Montana Education Association. I represent 6500 members in the state of Montana. We are represented in every school system in the state. We are in support of having it put on the vallot.

PROPONENT, LÉONARD SARGENT, Executive Director of the Montana School Boards Association. He mentioned that 78% of 18 year olds are still in the senior year of high school, and presented the committee with written testimony, (exhibit attached).

PROPONENT, MAYNARD OLSON, representing the School Administration of Montana. This has been of great importance to me for some time. I agree with most of the other remarks that have been presented here. He read his written testimony, a copy of which is attached.

PROPONENT, HOWARD VOILES, representing the Association of School Principals. We in the Montana Association feel the same way. We would support and encourage passage of this bill. I don't feel the lower drinking age has caused many problems. It is the effect on our younger students. We urge the passage of these bills.

PROPONENT, CHAD SMITH, representing the Montana School Board Association. We encourage the passage of both of these bills. They are companion measures. One is to change the constitution and the other is more a question of mechanics. This is not like an unusual

exercise in police power, where you would have to be 18 to drive a motor vehicle, for example. It all depends on what you are talking about. Our greatest concern is for the effect the present law has on schools. The school system is set up to educate all of the students. Over age 19 you find very few individuals still going to high school. This bill is not offered as a means of discipline. We strongly urge passage.

PROPONENT, DAN MIZNER, League of Cities and Towns. 80 to 90% of the total population of 18 year olds drink alcoholic beverages. We would support House Bill #28 to raise the drinking age to 19.

PROPONENT, TED LECHNER, Juvenile Probation Officer, 13th Judicial District. I agree with the reasons these others have stated. He quoted several cases of juveniles where drinking caused accidents and other serious problems. He said he felt it is an insidious deterioration. I think this bill will not stop alcohol but will curtail it somewhat in our younger students, the 12, 13 and 14 year olds. They are exhibiting extreme drinking problems in many areas. 18 year olds have not shown good judgment by not allowing it to younger children.

OPPONENT, SENATOR CHET BLAYLOCK, District #35. I have been a teacher for 27 years. There was a mass meeting held in Helena of parents protesting booze in the schools. They were most irate and wanted to know what they could do about it. The year was 1922 and there was no legal booze. Before we lowered the drinking age here we always had beer busts. At one beer bust 90 cases of beer was consumed, and a large part of them were 7th graders, doing this drinking. I asked my students to be honest with me. When was the first time you got a drink, and some of them stated it was in the 6th grade. When I asked them where they got the booze, they said at home. Our schools say we have to control this. The school administrators want the legislature to do their job for them. What are they going to do that they can't do right now. Not one blessed thing. Senator Blaylock asked the question of the committee How many of you drank before you were legal? 3/4 raised their hands. He went on to talk about the drinking problem, not only in this state but across the United States, 10 million in this country. He then talked about the high accident rate which he stated has always been high in this age bracket, because they are reckless. He concluded, "I hope you take a long look at this House Bill #28 and also #29 before you leap."

OPPONENT, ROBERT CAMPBELL. He was a constitutional delegate. He quoted from section 14 in the bill of rights. He mentioned the debates they had on this problem. He mentioned the power of the 18 year old vote and asked if you are going to tell them that they are not mature individuals. Are you going to say that these are not responsible people? Alcohol is the most dangerous drug, but this bill will do more harm than good. He mentioned several cases

he was familiar with concerning alcohol and drugs. He quoted Dante as saying that it was the scourge of civilization. He presented an editorial on drinking to the committee (attached) and concluded with the comment, we need to educate our young people that alcohol is the most dangerous drug.

OPPONENT: GRANT PARKER, Legislative Intern, representing the Montana Advisory Council on Children & Youth. There are strong questions to ask yourselves. It will not solve the problem. Th legislature should take steps to educate away some of the abuses of alcohol. I think we shouuld look strongly at the issue and decide if it will stop it. Take educational steps to stop the use of alcohol. He then asked if the 18 year old would be tried in court for a crime as an adult or as a minor. The school district has the power to cope with the problem. They have the power to stop it.

OPPONENT: KEVIN HUNT, representing the Montana Youth Lobby. He mentioned that he represented several hundred students in the state of Montana. He said the bill would make criminals out of 18 year olds. We would be creating a new class of criminals. W would be denying 18 year olds the full protection of the law. H mentioned a survey he had studied and that 85.1% of the youths questioned viewed alcohol as more addictive than marijuana. Why is there no warning on the effects of alcohol. I would like to ask you to work for the defeat of this unfortunate proposal. He presented a copy of written testimony to the committee, (attache

OPPONENT: RUTH POOLE, Montana Youth Lobby. She presented a num of petitions, protesting the passage of the bill. She felt a formal youth survey should be done. People should deal with the causes rather than the results.

OPPONENT: ERIN CORK, Missoula. This bill is not the best solut to the problem. Maturity doesn't necessarily come with age. Th problem should be solved at the local level.

OPPONENT: DAVE HULL, Missoula, student. With rights comes responsibility. He made several comments about who is responsib and who is not. I would tend to resent being able to raise chil adopt children and not be able to drink. If I am mature enough to run for the legislature, I should be recognized as being responsible to handle liquor. Enforcement of the present laws would be better than a whole new set of stricter laws.

REPRESENTATIVE BENGSTON: In closing she presented several exhib in support of House Bill #28 and 29. She stated, remember that every hour spent on discipline and enforcing the law is one hour less spent on education. She mentioned the greater risks of teenage drinking, the accidents, the inability to handle it, etc Young people need to learn wholesome ways to face problems. She mentioned the higher incidence of drinking among juvenile delinq

the behavior as more anti-social and a greater tendency to get into trouble. I am completely and wholly in favor of any education that will deter or alleviate alcohol. She mentioned that alcohol treatment centers that are now available to anyone with an alcohol problem.

REPRESENTATIVE HOLMES asked what would be the procedure if a student was caught at school with alcohol on the breath, and Representative Bengston stated, it would have to be determined by the courts.

There followed general discussion about the procedure of the court, enforcing of rules, the data available on actual drinking in the schools, etc.

Howard Voiles stated that he had not seen additional problems in the schools, since the lower drinking age. There is no evidence, about behavior at school. I am in disagreement with many educators about this. It was mentioned that about 75% of 18 year olds are still in high school.

Questions were asked of the student opponents whether they had assisted law enforcement agencies in disciplining any problem students. There was a general discussion about this.

There was discussion about the effect of the constitution and the proposed amendment, the constitutional language, whether drinking is a privilege or a right, whether the constitution says whether it is, etc. Discussion about school authority, school procedure.

CHAIRMAN SCULLY: (of Voiles and Olson) How many of your colleagues that are now school administrators that you have been associated with for more than 15 years, how many for 10 years, and how many within the last five years. I asked that question because of reputation and backgrounds, since most have been in the educational system for less than 5 years. There followed discussion of blackmailing of beer to 14 and 15 year olds by older students.

The hearing on House Bills #28 and 29 closed.

THE HEARING ON HOUSE JOINT RESOLUTION #5, SPONSORED by REPRESENTATIVE LORY, District #99. This is a recodification bill, to establish the office of Court Administrator.

Representative Dussault mentioned that the regulation was based on statute. The administrative code commissioner has no right of veto. The question was asked, if the legislature has to have annual sessions would it be possible for the legislature to have more control rather than delegate power to a committee. The

JUDICIARY COMMITTEE

January 12, 1977

The executive session was called to order at 10:00 A. M. in room 436. All members were present with the exception of Representative Kennerly, absent. Chairman John Scully presided.

Action to be taken on House Bill #22 was postponed to Thursday, January 13, 1977.

House Bills #28 and 29 were scheduled for discussion as a pair to be taken together.

REPRESENTATIVE HAND made the motion to "Do Pass".

The motion was seconded by Representative Seifert.

REPRESENTATIVE SEIFERT made a substitute motion to raise the age to 21 years.

REPRESENTATIVE DAY opposed the motion.

REPRESENTATIVE RAMIREZ opposed the motion. He said it does not have a chance of passing on the floor, if raise to 21 years of age.

REPRESENTATIVE COLBURN asked if it could be placed on the ballot stipulating between 19 or 21 years of age.

CHAIRMAN SCULLY said the choice has to be sufficiently narrow.

REPRESENTATIVE CONROY asked the cost of placing it on the ballot.

REPRESENTATIVE ROTH stated about $2,500.

REPRESENTATIVE HOLMES commented that we have to educate the public.

REPRESENTATIVE CONROY added that the cost of putting it on the ballot should be considered.

REPRESENTATIVE DUSSAULT made a substitute motion "do not pass. The motion was seconded and discussion followed.

REPRESENTATIVE DUSSAULT stated that she felt it would be unfair to punish the majority for the irresponsibility of a few.

REPRESENTATIVE COURTNEY said he was in support of the motion.

REPRESENTATIVE RAMIREZ opposed the motion. "I don't think it is designed soley for the benefit of the teachers".

REPRESENTATIVE KEYSER, spoke in opposition to the motion. I feel this bill will take care of the problem in the schools.

REPRESENTATIVE TEAGUE said he has been in education for 14 years and are having bigger problems than ever before. We have placed

the schools with a very hard and difficult ask.

REPRESENTATIVE HOLMES thought that Billings is the one place that is having the most problems, but felt this bill did not address the problem that we are trying to solve.

REPRESENTATIVE ROTH. I believe that this is a beginning. This is a good bill. I believe that we should raise the drinking age to 19.

REPRESENTATIVE LORY said, I will support the bill because we are taking the democratic process by putting it to the people.

QUESTION CALLED, MOTION FAILED, VOTE AS FOLLOWS:

for "Do Not Pass"	against "Do Not Pass"
Baeth	Colburn
Courtney	Conroy
Dussault	Day
Holmes	Hand
	Eudaily
	Keyser
	Lory
	McLane
	Ramirez
	Roth
	Seifert
	Teague
	Scully

Representative Kennerly, absent, no vote.

REPRESENTATIVE LORY made a motion to separate the bills and take them separate. Seconded, motion carried. Ramirez and Scully no. The bills are now separate.

REPRESENTATIVE LORY made a motion to "Do Not Pass" on House Bill #29. Motion seconded.

Disscussion followed in regard to drinking being a right or a privilege. Discussion also as to the possibility of the bill being declared unconstitutional, because of the new constitution giving the legal age of maturity as 18 years of age.

REPRESENTATIVE RAMIREZ moved the bill be amended before voting carried.

REPRESENTATIVE DUSSAULT made a motion to amend as follows: Page 1, line 25 (copy attached)

REPRESENTATIVE HOLMES made a motion to amend as follows: Page 1, lines 15 and 16. (copy attached)

The amendments carried with a unanimous vote.

REPRESENTATIVE KEYSER made a motion to "Do Pass As Amended".

Question called and the motion carried with the vote as follows:

For	against	Kennerly was absent and did not vote
Colburn	Baeth	
Conroy	Courtney	
Day	Dussault	
Hand	Holmes	
Eudaily		
Keyser		
Lory		
McLane		
Ramirez		
Roth		
Seifert		
Teague		
Scully		

House Bill #28 was now before the committee for action.

REPRESENTATIVE DUSSAULT moved to amend page 3, line 23 and page 3, line 9 (copy attached).

The amendments carried unanimously.

REPRESENTATIVE LORY moved to "Do Pass As Amended".

QUESTION called, motion carried, vote as follows:

Kennerly absent, no vote

No

Dussault
Baeth
Courney
Seifert

HOUSE BILL #5 was now before the committee for action.

REPRESENTATIVE LORY moved "Do Pass".

Question called: motion passed with vote unanimous.

CHAIRMAN SCULLY. There will be a discussion concerning the fiscal impact on House Bill #5. We will hold it until we get the fiscal note and then pass it out of committee.

There was general agreement to do this.

The meeting adjourned at 11:50 A. M.

Rep. John Scully, Chairman

January 12, 19 77

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 28

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA."

Respectfully report as follows: That HOUSE Bill No. 28

introduced bill, be amended as follows:

1. Amend section 3, page 3, lines 9 through 11.
Following: "employment"
Strike: "he bags, carries, or transports beer for customers at a grocery store"
Insert: "it is necessary to possess alcoholic beverages"

2. Amend section 5, page 3, line 23.
Following: "title"
Strike: "sections 1 through 4 of this act,"

DO PASS AS AMENDED

Chairman.

STATE PUB. CO.
Helena, Mont.

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 24, 1977

The meeting of this committee was called to order at 9:40 a.m. on the above date by Senator Turnage, Chairman, in Room 415 of the State Capitol Building.

ROLL CALL:

All members of the committee were present except Senator Warden and Senator Roberts who were excused.

WITNESSES PRESENT TO TESTIFY:

Representative Esther Bengtson - District 59, Shepherd
Senator Chet Blaylock - District 35, Laurel
Leonard H. Sargent - Executive Director, Montana School Boards Association
Maurice Hickey - Montana Education Assn.
Representative Roth - District 10, Big Sandy
Angela Romain - concerned citizen and college student
Bob Campbell - Missoula attorney
Kevin Hunt - chairman, Montanans for Equal Rights
Chad Smith - Montana School Board Association
Diana Dowling - Code Commissioner, Legislative Council

CONSIDERATION OF HOUSE BILLS 28 and 29:

Rep. Bengtson of Shepherd, chief sponsor of these bills, told the committee that H.B. 28 was comprised of changes made to conform with the new Constitution and that H.B. 29 was a constitutional amendment. She introduced Leonard Sargent, executive director of the Montana School Boards Assn., who read a prepared statement to the committee in support of these bills. (See Exhibit 1)

The next proponent was Chad Smith, a Helena attorney representing the Montana School Boards Assn., who said that one of the most important bills in regard to its application to schools is H.B. 28. He further testified that there is no magic to the figure of "18" years except that that is the age at which most children leave high school. He said that, if 18 year olds are allowed to purchase alcohol and if they are in high school, it makes alcohol and beer more easily assessible to younger students. He then said that many laws require different age limits, so that the magic status of "18" is not true, and what is important is that the proper age can be assigned to a particular subject. There is an exception in H.B. 28 for the 18 year olds who work in establishments or stores where they handle alcohol or beer. Mr. Smith said that they feel that H.B. 28 and 29 have great merit and urged that they be concurred in.

Marice Hickey of the Montana Education Assn., was the next proponent, saying that history goes back to April, 1976, when the delegate assembly of the M.E.A. voted in support of raising the drinking age to 19 years.

Rep. Roth of District 10 at Big Sandy was the next proponent to testify. She said she is a co-sponsor of these bills and feels that it will be a step in the right direction to decrease the problem of drinking in high school students. She said that she is particularly worried about the 14 and 15 year olds who obtain it from the 18 year old students because they sometimes become alcoholics and have to be treated at those ages, and any parent who could see these youngsters being treated for alcoholism most certainly would want the problem corrected.

Angela Romain, a concerned citizen and college student, was the next proponent of the bills. She read a prepared statement to the committee. (See Exhibit 2)

There being no more time for the proponents to speak for H.B. 28 and 29, the opponents were allowed to speak. The first opponent was Senator Chet Blaylock of Laurel who told the committee that alcohol does a lot of bad things to people but raising this age will not correct the problem because students in high school always have found a way to get "booze", and they will continue to do so even if the age is raised to 19 years. He further said that students are not allowed to drink during a school day and, if they do, the teachers can "kick them out".

Bob Campbell, a Missoula attorney and former Constitutional Convention delegate was the next opponent of the bill. He handed out several articles to the committee for their consideration. (See Exhibit 3) He said that the 1972 Constitution says that a person over 18 years of age is equal for all purposes, and that if 18 year olds can be in the legislature who should say they cannot drink. Further, he said that the state will have problems if they pass these bills because all through the 1972 Constitution the 18 year olds have consistent rights. He told the committee that in passing these bills they are giving false hope to teachers that the police are going to help them control the students, and the teachers are not now controlling the drinking problem in the schools.

Kevin Hunt, chairman of the Montanans for Equal Rights, was the next opponent. He read a prepared statement to the committee. (See Exhibit 4)

There were many other opponents present who did not testify but were introduced, namely: Lew Autio, Clarice Austin, Gayanne Gutierrez, Connie Erickson, Marsha Metz, Tammy Sherwood, Jim Sutherland. (The last five named were members of a 4-H group visiting the legislature.)

At this time, Rep. Bengtson was allowed to close. She presented the committee with a group of exhibits supporting these bills. (See Exhibit 5) She said that public opinion is that there has to be something done about the problem of drinking in the schools and urged the committee concur in H.B. 28 and 29.

Chairman Turnage allowed the committee to question witnesses. He then thanked the witnesses and told them the bills would be

considered by the committee.

DISPOSITION OF SENATE BILL 125:

Senator Towe moved to reconsider the DO NOT PASS recommendation previously made on this bill by this committee on February 21, 1977. The motion carried unanimously. He then moved to adopt the attached amendments to S.B. 125. The motion carried unanimously. Senator Towe then moved that S.B. 125 as amended DO PASS. The motion carried unanimously. (See attachment #1)

CONSIDERATION OF HOUSE BILL 53:

Diana Dowling, the Code Commissioner of the Legislative Council, representing Rep. Marks who could not be present, explained that this bill was to correct an error in the law.

Senator Towe moved that H.B. 53 BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HOUSE BILL 36:

Diana Dowling explained that this bill had been done by a summer law school intern because they had found that laws were not consistent in regard to creed or religion, and they have made that standard now throughout the codes. They also cleared up Title 64 in regard to national origin including ancestry. This bill is just to make laws on discrimination standard.

Senator Towe moved that H.B. 36 BE CONCURRED IN. The motion carried unanimously.

There being no further business before the committee at this time, the committee adjourned at 10:50 a.m..

SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 2-24-77

NAME	PRESENT	ABSENT	EXCUSED
TURNAGE, Jean, Chairman	✓		
ROBERTS, Joe, Vice-Chairman			✓
MURRAY, William	✓		
OLSON, Stuart	✓		
LENSINK, Everett	✓		
REGAN, Pat	✓		
TOWE, Tom	✓		
WARDEN, Margaret			✓

(Ex. 1)

501 North Sanders
Helena, Montana 59601
Telephone: 406/442-2180
Leonard H. Sargent, Executive Director
Wayne G. Buchanan, Director of Special Services

Montana School Boards Association

OFFICERS
PRESIDENT
MARVIN HEINTZ
Moccasin MT 59462
VICE PRESIDENT
LARRY TVEIT
RR No 1, Box 33
Fairview MT 59231
IMMEDIATE PAST PRESIDENT
MAURICE GRAHAM
Box 769
Glasgow MT 59230

DISTRICT DIRECTORS
1 SHERMAN JOHNSON
Route No 1, Col Ave.
Whitefish, Mt. 59937
2 GEORGE LIPPERT
Box 1255
Ft. Benton MT 59442
3 MAURICE GRAHAM
Box 769
Glasgow, Mt 59230
4 LARRY TVEIT
RR No 1 Box 33
Fairview, Mt 59231
5 MARVIN HEINTZ
Moccasin Mt 59462
6 CLAUDE LACKNER
Route 2
Missoula, Mt 59801
7 KERRY KEYSER
Box 126
Ennis, Mt 59729
8 JO GEIER
Box 367
W Yellowstone, Mt. 59758
9 HELEN KAMPFE
Pryor Star Route
Billings, Mt 59101
10 BILL BOULWARE
Route 1, Box 288-26
Miles City, Mt 59301

BILLINGS DIRECTOR
RITA A HEIZER
2903 Hadcliff Dr.
Billings, Mt 59102
BUTTE DIRECTOR
BETTY THOMETZ
122½ W Woolman
Butte, Mt 59701
GREAT FALLS DIRECTOR
ROBERT HENRY
2783 Evergreen Dr
Great Falls, Mt 59403
HELENA DIRECTOR
PENNY BULLOCK
1920 Highland
Helena Mt 59601
MISSOULA DIRECTOR
COL GORDON SIMMONS
2415 Glen Drive
Missoula, Mt 59801

DATE: February 24, 1977

TO: Judiciary Committee of the Senate

FROM: Leonard H. Sargent, Executive Director
Montana School Boards Association

SUBJECT: Testimony on House Bills 28 and 29

I would like to express my appreciation to the members of the Judiciary Committee for allowing me to present in written and oral form, testimony in support of House Bills 28 and 29 which would raise the legal age for consumption of alcoholic beverages from 18 years to 19 years of age. I am here as the Executive Director and registered lobbyist of the Montana School Boards Association.

The Governor of the State of Montana and a number of members of the Montana Legislature have indicated that the Legislature must do for the citizens of Montana what they cannot always do for themselves. In this respect the Legislature, through House Bills 28 and 29, can provide an opportunity for the electorate to decide for themselves the most appropriate age for the legal possession and consumption of alcoholic beverages. Lowering what we call the Legal Drinking Age from 21 to 18, has placed a burden on school districts which they neither need nor deserve. Recognizing this fact, the Montana School Boards Association, whose members represent over 90% of the students in Montana's public schools, passed the following resolution at its 1976 State Convention:

> DRINKING AGE PROBLEM - Whereas, lowering the legal drinking age for school age young adults has created numerous problems for the Montana public community, school districts and parents alike, and
>
> Whereas, minor school age children are adversely affected at an earlier age by their association with drinking legal-age students, and
>
> Whereas, the consumption of alcoholic beverages by legal-age students in off-campus situations during the school day ultimately returns to the school environment as a serious disciplinary problem for

these students and the minor children associated with them, and

Whereas, the presence of alcohol in minor and legal-age mixed student groups involved in extra-curricular activities poses an additional problem for school district authorities, and

Whereas, national statistics highlight the problems created by the lowered legal-age for drinking by school age young adults,

Now, Therefore, Be It Resolved, that the Montana School Boards Association will seek legislative remedy in 1977 for the school district problems created by the lowered legal-age for drinking, to raise the current legal-age from 18.

It is never easy to deal with the question of legislating human rights and privileges. However, we have over the years determined the age at which young persons may exercise certain rights. We have determined, as best we could, when a person has the physical ability, the mental competency, and the social responsibility to operate a motor vehicle. We have determined at what age they are mature enough to vote, marry, sign contracts, consume alcoholic beverages, etc.. We have granted these rights through the legislative process and we have a duty to amend the statutes and/or the Constitution when it appears to be necessary in the best interests of those young people.

Recognizing that raising the drinking age by one year will not alleviate liquor related problems or the amount of the liquor consumption by teenagers, we still must face the fact that the ready accessability of intoxicating beverages on our high school campuses is creating a serious problem. We have not just lowered the drinking age to 18 in recent years, we have in essence lowered it to 14 and 15. Eighteen year old students for the most part tend to socialize with young people 2 and 3 years their junior. They tend to socialize less with students 19 through 21. This latter age group has quite often left the community and moved on to full time jobs or institutions of higher learning while the 18 year old remains as a senior in high school and socializes with other members of that institution.

While raising the legal age to 19 may not solve the drinking problem, it would lessen the number of instances when school authorities must take some kind of corrective action because students have brought liquor to school functions and are making it available to younger students. School authorities are being forced to police the activities of students and yet respect their legal rights. This is a difficult situation at best. During the past decade the public schools have been both praised and criticized for the roles they have either chosen or have been forced to assume with regard to the social lives of their students. There is both praise and criticism for the schools' role in teaching values, morality, social be-

the family. How to deal with the 18 year old high school student who has the legal right to possess and consume alcoholic beverages and who through the exercise of that right creates serious problems both for the school environment and the community environment, is a burden which school administrators and trustees should not have to carry.

We sincerely urge that this committee will favorably support both of these bills and recommend their passage by the 1977 Montana Legislature and thereby give the citizens of Montana the right to determine the legal age for possession and consumption of alcoholic beverages.

I appreciate this opportunity to appear before the committee and I pledge the support of our Association for the passage of this legislation.

Thank you.

Angela Romain (EX 2)

WHAT IS THE OBJECT OF RAISING THE DRINKING AGE TO 19?

(1) The object is not to solve the drinking problem, but to decrease the problem.

A) Over 70% of the students in Montana will turn 18 before they graduate from high school, which means that 70% of the students have the opportunity to drink legally and to contribute to minors. It is because of this drinking statute that much pressure is put on 18 year olds.

B) Drinking has increased immensely (since the 18 year old law came into effect) for 10 to 15 year olds in the lower grades. This is where our real problem lies and this is the problem that we, as responsible legislators, must try to decrease.

Because the drinking age is 18 and because these 18 year olds are still in school, it is very easy for the young people to find buyers. If you raise the drinking age to 19, there will be less students who can obtain alcohol legally; which, in turn, means that younger students will not have as easy access to buyers.

The end result is that younger students will not be drinking as much. The problem with alcohol and young people will have decreased.

Decreasing the problem, not eliminating it, is the object!

The conjunctionary purpose of the bill is to put the question to the electorate and let them decide on the drinking issue. The people will let us know their feelings when they go to the polls to vote, then we will know for sure; which will justify our legislative intent.

SCHOOLS, EDUCATION AND ALCOHOL

on- (1) "Disciplinary problems in the schools."

ro- The 18 year old is on the same level as the teacher and disciplinary problems cannot be avoided. BUT ! If the drinking age is raised to 19, disciplinary problems will have less of a tendency to arise, because there are fewer 19 year olds in high school. The time spent with disciplining the problem students should be spent in academic time with worthy students.

on- (2) "Enforcement seems to be the real problem in the schools."

ro- Realize first, if the drinking age is raised to 19, there will be fewer legal aged persons that are able to drink in high school; which in turn means that enforcing rules and regulations will be much easier to accomplish.

on- (3) "Schools have rules and regulations to control the problem."

pro- This is true to some degree, however, are the schools able to deal

effectively with the problem? If you say yes, then if schools are capable of handling the situation, why is there still a problem with alcohol and eduaction? Why are the schools reaching for some sort of help? Why are the school administrations supporting the bill if there is not a problem?

Obviously, there is a problem because alcohol and education simply do not mix and we must try to reduce the accented problem of the 18 year old drinking statute!

"Raising the drinking age is not going to solve the problem."

This bill is not attempting to solve the problem, but to decrease the problem. There are fewer 19 year olds in high school and this will decrease the amount of contributing to minors, decrease the need for discipline in regard to alcohol and education, and decrease the risks involved if the drinking age is left at 18.

The conjunctionary purpose of the bill is to put the question to your fellow Montanans and let them decide on the drinking issue. The people will let us know how they feel when they come to the polls to vote and then we will know for sure.

"Does raising the drinking age to 18 really make that much difference?"

Yes, there are fewer 19 year olds in high school. Therefore, if alcohol is desired by younger students, these students will have to go outside the high school strata; and finding buyers outside of the high school strata is very hard to do.

"The problem is really within the family."

This is true in many cases; however, if you raise the drinking age to 19, this will aid parents in their struggle to discipline their children.

"You should attack the problem directly."

Since we are unable to attack the problem directly, we must choose the next best alternative; and that alternative is to raise the drinking age to 19, so as to decrease the problem. If we eliminate the opportunity for 18 year olds to obtain alcohol legally, we are attacking the problem as directly as possible.

"Double Standard" - "Either you are an adult or you are not."

Just because a young person is given the right to vote and serve in the armed forces doesn't automatically give him the rifht to drink at the same age. A young person can get a driver's license at 16 years of age. This, however, does not give him the right to vote at the same age or serve in the armed forces. Secondly, in states where the drinking age is 21, there seems to be little problem with whether you are an adult or not. Just because you can't drink doesn't mean that you are not an adult. If other states can set the drinking age at 19 or above without any real objection, why can't the state of Montant do the same?

Bob Campbell (Ex 3)

drinking age defended

In 1972 Montana adopted a new constitution and we became the first state to provide in our Bill of Rights a provision granting full 18-year-old adulthood. Their right to vote in all national and state elections was guaranteed by the 26th Amendment to the United States Constitution, which in 1971 was quickly ratified by 34 states in less than six months.

Now a proposal is being made to the Montana Legislature to amend our constitution to make criminal the possession of alcohol by 18-year-olds who would otherwise retain all the other rights of full citizenship.

Since I submitted the original proposal to the Constitutional Convention, I am very much opposed to this suggested amendment because it is an unjustified restriction on those who have capably accepted full adult responsibilites and have been given far more trust and authority in many other areas of our state government.

Consider for a moment the other rights and responsibilities that 18-year-olds now hold:

— They can establish their own home and be responsible in any contract.

— They can be married, raise or adopt children.

— They can be appointed as guardians over minors.

— They can sit as jurors and decide the life and death issues such as the guilt or innocence of accused persons in any criminal trial in the state.

local comment

— They can sue or be sued in all courts.

— They can be elected mayor, police judge, or hold any city office.

— They can be elected as a county commissioner, sheriff, justice of the peace, or any other county office.

— They can serve in the House of Representatives and the Montana Senate, where their deliberations affect all who live in our state.

With all these rights and responsibilities it makes no sense to say that a person 18 years of age can make these responsible decisions but does not have the maturity to possess alcohol and accept the adult consequences for any misuse of that right.

The argument that a constitutional amendment is necessary to maintain order in the schools is simply not valid. The schools have always had the authority to discipline unruly students and this does not change because a few senior students have reached the age of 18. If a student does not comply with the school rules to maintain order, the student can be disciplined or expelled.

Students under 18 are subject to the same school rules but in addition could spend 30 days in jail and be fined $100 for their possession of alcohol. It is still a crime to provide alcohol to minors, and if school authorities want to rely on the criminal law they can more actively pursue this approach.

Ultimately, better cooperation between the schools and the parents will do more to reduce teen-age drinking than wasting time pushing for a constitutional amendment depriving otherwise full adults from having the equal protection of the laws.

If you agree, please contact your legislators and uge them to vote against this proposed constitutional amendment. — **Robert J. Campbell, Constitutional Convention, Dist. 18, 501 Western Bank Building, Missoula.**

drinking age amendment deserves rejection

Last week the Montana House of Representatives approved a measure to put a 19-year-old drinking age constitutional amendment in front of the voters.

The state's constitution now gives 18-year-olds all adult rights, including that of buying alcoholic beverages.

This is the kind of scissors-and-paste measure many people prefer to use to handle what they see as social or moral problems. If 18-year-old high school students get alcohol and sell it to younger kids, just put a patch over it — make it illegal for the 18-year-olds to buy alcohol.

That step will, as speakers against the proposed constitutional amendment pointed out at a public hearing, solve nothing. Seekers of beer and booze will find them. They did when the drinking age limit was 21. They will if it rises to 19.

There are things that can be done to handle the problem, by those schools which find it a problem. One is to discipline students who procure alcohol for minors and also discipline besotted students, just as as any business or government agency will discipline drunken employes.

Another is to handle alcohol on an educational basis. That stuff is potentially more destructive than smoking marijuana. Its dangers can be taught. Banning booze gives it a romantic attraction. Telling the truth about it does not. It is poison to many people. Its poisonous properties deserve explaining.

The legislation now is in the Senate. needs the votes of 37 senators to get on ballot for a public vote. That's a lot probably more than it can muster.

If it fails that will be good. The ma tude of the problem of alcohol and schoo not well documented. The case against 18-year-old drinking age has not been ma

Nor has the case been made that th would improve by raising the age to 19. amendment should be rejected for its sors-and-paste approach.

— Reynolds

MONTANA KAIMIN JAN. 1973

Don't Raise Drinking Age

Another attempt to raise the drinking age to 19 years of age is now being considered by the Montana Legislature.

Four major educational groups — the Montana Education Association, the Montana School Boards Association, the School Administrators of Montana, and the Montana Association of School Principals support raising the age.

The educational groups are putting all their guns behind this issue. They say the 18-year-olds are not the problem. But the 18-year-olds are supplying the younger kids with liquor, they say.

Ted Lechner, a Billings probation officer, says that 18- to 20-year-olds are making big bucks selling booze to the younger kids on week-ends.

And some educators are upset because some little kids show up at after-school activities dead drunk.

Educators and everyone else, for that matter, *should* be upset about children and adults abusing alcohol and other drugs.

But raising the drinking age by one year is a poor attempt at a solution to this problem. The problem of how to handle drugs has haunted this society for years.

Educators in this state should be concerned with teaching the facts about drugs, especially alcohol. Making drugs illegal is the lazy way out, and it has been proven, again and again, to be ineffective.

The 18-year-olds are now considered to be adults before the law. If the drinking age is changed, this age group would unfairly straddle a legal fence dividing legal majority and minority.

But more important, when the drinking age was 21, minors had little difficulty getting alcohol and other drugs. So how can the educators believe raising the age to 19 will do anything at all? Minors would just get alcohol from slightly older sources.

The problem of drug abuse will not be solved by the legal system and the courts. And as long as educa parents resort only to the leg nothing will change.

Barba

Friday, Jan. 14, 1977 Great Falls Tribune

Why raise drinking age

The question of raising the legal drinking age to 19 promises to be one of the most emotional issues before the 1977 legislature. No one disputes the fact that there are drinking problems in Montana high schools and even in some junior highs.

But what is the best way to deal with these problems? Proponents of two bills before the legislature think the best way is to make drinking illegal at the high school age and thus remove the temptation and the pressure on students regarding whether they should drink or not.

Unfortunately, the issue isn't so simple. It's complicated by the fact that the entire 18-year-old adulthood question is involved, too. In its 1972 constitution, Montana put a provision in the Declaration of Rights granting full 18-year-old adulthood. That means an 18-year-old can marry and raise or adopt children, be a responsible party in any contract, sit on a jury, sue or be sued in all courts, be elected to city and county offices and to the legislature and legally drink alcohol. The 18-year-old right to vote was guaranteed by the 26th amendment to the U.S. Constitution.

Telling Montana's 18-year-olds they are adults in all respe drinking is blatant use of a standard. And the only w avoid such arbitrary discr tion would be to assure th year-olds legally are not adu any purpose.

Determining that 18-year-old adults except when it com drinking alcohol also brin mind the well-known saying, as I say, not as I do"—for a number of Montanans older 18 set nothing but poor examp drinking behavior for the 18 under group to follow.

Raising the drinking age to 19 not solve the teenage drin problem. It may ease the situa but it treats the symptoms and the causes. To get to the cau more innovative thinking ab drug abuse—emphasizing alc abuse—is needed. And the obvi places for such thinking seem t in the family and in the sch system, starting with grade sch and moving right up through h school.

Ultimately, the biggest danger raising the legal drinking age that it's a deceptive solution—o that could lead some to think th the student drinking problem being taken care of, when in fact isn't.

Bergtan (EX 5)

SUPPORT OF H.B. 28 and H.B. 29

Reasons for increasing the legal age for consuming or possessing alcoholic beverages to 19, or, preferably, to 20 years:

1. There are no major problems in most schools, I believe, with the drinking of 18 year olds during the school day since all students must comply with the rules and regulations regardless of age. The problems develop after school hours during the evenings and week-ends where 18 year old students associate with younger students, quite often in drinking situations
2. Lowering the drinking age to 18 years has, also, increased the drinking of 14 - 15 - 16 year old students. This problem used to be among the 17,18,19 and 20 year olds when the drinking age was 21.
3. Dr. Henry Betts, Chairman of Rehabilitation Medicine at the Rehabilitation Institute of Chicago says there are more drivers under age 20 involved in accidents than in any other age group. While the accident rate among the population as a whole has dropped 1.6 per cent. What is more, National Safety Council statistics show that nationally, the incidence of drinking in fatal motor vehicle accidents is highest among the 18 - 19 year age group. This has been a dramatic increase nationwide since many states lowered the drinking age.
4. Just because a young person is given the right to vote and serve in the armed forces doesn't automatically give him the right to drink at that same age. A young person can get a driver's license at 16 years of age. This, however does not give him the right to vote at that same age or serve in the armed forces. In my opinion this so-called double standards argument is fallacious.
5. Personnally, I would encourage this Committee to consider raising the age for consuming or possessing alcoholic beverages from 18 years to 20 years. It has always been common for former high school students after they graduate to associate with their younger high school friends. It takes about one year for them to get over these strong ties to high school and to their friends still in high school. Many of them are 19 years old and are affecting the drinking patterns of their younger friends.

Therefore, when this Committee considers H.B. 28 and H.B. 29 I would encourage you to look favorably on this increase in age for drinking. However, I would strongly urge you to consider raising the age to 20 years rather than 19 years. You'd be preforming a great service to the young people in Montana and this nation, if you did so.

Maynard A. Olson
206 South Dakota
Helena, MT 59601

SENATE Judiciary COMMITTEE

H. BILL 28, 29, 53, 36 VISITORS' REGISTER DATE 2/24

Please note bill no (check on O

NAME	REPRESENTING	BILL #	SUPPORT	O
Lew Antio (not testifying) myself		28+29		
Angela Romain	Concerned citizen	28+29	✓ *	
[illegible]	visitor [illegible] H	HB [illegible]		
Jeannine West	visitor 4-H	HB2829		
[illegible]	[illegible] 4-H	[illegible]		
[illegible] Parker	MACCY			
[illegible]	[illegible] 4-H	[illegible]		
[illegible]	visitor, 4-H	[illegible]		
[illegible]	visitor 4-H	[illegible]		
[illegible]	visitor 4-H	[illegible]		
[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	[illegible]		
[illegible]	visitor 4-H	HB28-29		
[illegible]	visitor 4-H	HB 25		
[illegible]	4-H	[illegible]	✓	
[illegible]	4-H	[illegible]		
[illegible]	4-H	25	✓	
Darrell Fenner	4-H & MACCY			
[illegible]	4-H - MACCY			
[illegible]	WNS Nugget - MACCY			
[illegible]	Montanans for Equal Rights	25/29		
[illegible]	[illegible]		✓ *	
[illegible]	[illegible]	25/29	✓ *	

SENATE Judiciary COMMITTEE

BILL _____ VISITORS' REGISTER DATE 2/24

Please note bill no (check on

NAME	REPRESENTING	BILL #	SUPPORT	O
Leonard Sargent	Mont. School Bds. Assn.	28, 29	X	
Clarice Gustafson	Concerned Citizen			
Chet Blaylock	Senate	28 129		

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 19, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, at 9:40 a.m. on the above date in Room 415 of the State Capitol Building.

ROLL CALL:

All members of the committee were present for this meeting.

EXECUTIVE SESSION

The following bills were acted on in executive session this day

HB 363 - Sen. Regan moved to adopt the amendment proposed by Rep. Cooney which amended page 1, section 1, line 17, following "evidence by inserting "The victim need not be physically present in the court room when the videotape is admitted into evidence."; and to further amend page 2, section 2, line 6, following line 6, by adding a new section 3. "Court record -- privacy of victim. Videotapes which are part of a court record are subject to a protective order of the court for the purpose of protecting the privacy of the victim." The motion carried unanimously. She then moved that HB 363 as amended BE CONCURRED IN. The motion carried unanimously.

HB 533 - Sen. Regan moved that HB 533 BE CONCURRED IN. The motion carried unanimously.

HB 371 - Sen. Olson moved that HB 371 BE CONCURRED IN. The motion carried unanimously.

HB 28 - Sen. Towe Moved that HB 28 BE CONCURRED IN. The motion faile on a vote of 4-4 and went out of committee with a WITHOUT RECOMMENDATION report. The "No" votes were cast by Senators Roberts, Olson, Regan and Warden.

HB 29 - Sen. Towe moved to amend page 1, section 1, lines 17 through 20, following "that" by striking lines 17 through 20 in their entiret and inserting "the legislature or the people by initiative may establish the legal age for consuming or possessing alcoholic beverages." The motion carried with Sen. Warden voting "No".

Sen. Towe then moved to amend page 2, section 3, line 4, followi "raise", by striking "RAISING" amd inserting "allowing the legislatur or the people to establish" and to further amend page 2, section 3, line 5, following "age", by striking "to 19"; and to further amend page 2, section 3, line 6, following "AGAINST", by striking "raising" and inserting "allowing the legislature or the people to establish" and following "age" by striking "to 19" in the same line. The motion carried with Sen. Warden voting "No".

Sen. Warden moved to amend page 1, section 1, line 16, by striking "18" and inserting "19". Motion failed on a vote of 1-7.

HOUSE BILL NO. 28

INTRODUCED BY BENGTSON, ROTH, DAY, FAGG, PISTORIA, RAMIREZ, PORTER, McLANE, ELLISON, KESSLER, FRATES, CONROY, GERKE, VINCENT, COLBURN, LIEN, FABREGA, HURWITZ, QUILICI, ERNST, TROPILA, EUDAILY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 4-6-104, R.C.M. 1947, is amended to read as follows:

"4-6-104. Age limit for sale of alcoholic beverages. Except in the case of an alcoholic beverage given to a person under the age of ~~eighteen (18)~~ 19 years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply an alcoholic beverage to any person under the age of ~~eighteen (18)~~ 19 years, or permit any person under that age to consume an alcoholic beverage."

REFERENCE BILL

Section 2. Section 94-5-609, R.C.M. 1947, is amended to read as follows:

"94-5-609. Unlawful transactions with children. (1) A person commits the offense of unlawful transactions with children if he knowingly:

(a) sells or gives explosives to a child under the age of majority except as authorized under appropriate city ordinances; ~~or~~

(b) sells or gives intoxicating substances other than alcoholic beverages to a child under the age of majority; ~~or~~

(c) sells or gives alcoholic beverages to a person under 19 years of age; or

~~(c)~~(d) being a junk dealer, pawnbroker, or ~~second-hand~~ secondhand dealer he receives or purchases goods from a child under the age of majority without authorization of the parent or guardian.

(2) A person convicted of the offense of unlawful transactions with children shall be fined not to exceed ~~five hundred dollars ($500)~~ or be imprisoned in the county jail for any term not to exceed ~~six (6)~~ months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined not to exceed ~~one thousand dollars ($1,000)~~ or be imprisoned in the county jail for any term not to exceed ~~six (6)~~ months, or both."

Section 3. Section 94-5-610, R.C.M. 1947, is amended

to read as follows:

"94-5-610. Unlawful possession of intoxicating substance by children. (1) A person ~~who has not reached~~ under the age of ~~majority~~ 18 years commits the offense of possession of intoxicating substance if he knowingly has in his possession an intoxicating substance~~, except a~~ other than an alcoholic beverage. A person ~~who has not reached~~ under the age of ~~majority~~ 19 commits the offense of possession of an intoxicating substance if he knowingly has in his possession an alcoholic beverage, except that he does not commit the offense ~~of possession of an intoxicating substance~~ when in the course of his employment~~, he bags, carries, or transports beer for customers at a grocery store~~ IT IS NECESSARY TO POSSESS ALCOHOLIC BEVERAGES.

(2) A person convicted of the offense of possessing an intoxicating substance shall be fined not to exceed ~~fifty dollars ($50)~~ or be imprisoned in the county jail for any term not to exceed ~~ten (10)~~ days, or both."

Section 4. Effective date. Sections 1, 2, and 3 of this act, if approved by the electors of the state of Montana, are effective January 1, 1979.

Section 5. Submission to electors. The question of whether this act will become effective shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the

full title, ~~sections 1 through 4 of this act~~, and the following:

☐ FOR raising the legal drinking age to 19.

☐ AGAINST raising the legal drinking age to 19.

-End-